

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

- 21 U.S.C. § 846, 841(a)(1), & (b)(1)(A)(vi) – Conspiracy to Dist. & PWID Fentanyl ☐ Petty
 21 U.S.C. § 841(a)(1) & (b)(1)(A)(vi) – PWID Fentanyl ☐ Minor
 21 U.S.C. § 841(a)(1), (b)(1)(B)(i), (ii) – PWID Heroin, Cocaine ☐ Misdemeanor
 21 U.S.C. § 841(a)(1), (b)(1)(B)(viii) – PWID & Dist. Meth ☐ Felony
 21 U.S.C. § 841(a)(1), (b)(1)(C) – PWID & Dist. Meth ☒

PENALTY: See attachment (Counts 1-4, 7-8)

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

Melvin Alexis Diaz Arteaga

DISTRICT COURT NUMBER

CR 23 0002

DEFENDANT

IS NOT IN CUSTODY

- Has not been arrested, pending outcome this proceeding.
 1) ☐ If not detained give date any prior summons was served on above charges
 2) ☐ Is a Fugitive
 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
 5) ☐ On another conviction } ☐ Federal ☐ State
 6) ☐ Awaiting trial on other charges
 If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year
Nov. 16, 2022

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

DEA TFO Michael Cunnie

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

SHOW DOCKET NO.

☐ U.S. ATTORNEY ☐ DEFENSE

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

3:22-mj-71287

Name and Office of Person

Furnishing Information on this form Stephanie M. Hinds

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Nicholas M. Parker

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

U.S. v. Melvin DIAZ, Gustavo ERAZO, and Luis ERAZO-CENTENO

Maximum Penalties

Counts 1-2 (DIAZ and ERAZO):

- Imprisonment: **Min. 10 years – Max. life** (21 U.S.C. §§ 841(b)(1)(A), 846)
- Fine: **\$10 million** (21 U.S.C. §§ 841(b)(1)(A), 846)
- Supervised Release: **Min. 5 years – Max. life** (21 U.S.C. §§ 841(b)(1)(A), 846)
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture** 21 U.S.C. § 853(a)
- **Deportation**
- **Denial of Federal Benefits**

Counts 3-4 (DIAZ and ERAZO):

- Imprisonment: **Min. 5 years – Max. 40 years** (21 U.S.C. § 841(b)(1)(B))
- Fine: **\$5 million** (21 U.S.C. § 841(b)(1)(B))
- Supervised Release: **Min. 4 years – Max. life** (21 U.S.C. § 841(b)(1)(B))
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture** 21 U.S.C. § 853(a)
- **Deportation**
- **Denial of Federal Benefits**

Count 5 (ERAZO-CENTENO):

- Imprisonment: **20 years** (21 U.S.C. § 841(b)(1)(C))
- Fine: **\$1 million** (21 U.S.C. § 841(b)(1)(C))
- Supervised Release: **Min. 3 years – Max. life** (21 U.S.C. § 841(b)(1)(C))
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture** 21 U.S.C. § 853(a)
- **Deportation**
- **Denial of Federal Benefits**

Count 6 (ERAZO-CENTENO):

- Imprisonment: **10 years** (18 U.S.C. § 3; 21 U.S.C. § 841(b)(1)(C))
- Fine: **\$500,000** (18 U.S.C. § 3; 21 U.S.C. § 841(b)(1)(C))
- Supervised Release: **3 years** (18 U.S.C. § 3583(b)(2))
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture**

Count 7 (DIAZ):

- Imprisonment: **Min. 5 years – Max. 40 years** (21 U.S.C. § 841(b)(1)(B))
- Fine: **\$5 million** (21 U.S.C. § 841(b)(1)(B))
- Supervised Release: **Min. 4 years – Max. life** (21 U.S.C. § 841(b)(1)(B))
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture** 21 U.S.C. § 853(a)
- **Deportation**
- **Denial of Federal Benefits**

Count 8 (DIAZ):

- Imprisonment: **20 years** (21 U.S.C. § 841(b)(1)(C))
- Fine: **\$1 million** (21 U.S.C. § 841(b)(1)(C))
- Supervised Release: **Min. 3 years – Max. life** (21 U.S.C. § 841(b)(1)(C))
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture** 21 U.S.C. § 853(a)
- **Deportation**
- **Denial of Federal Benefits**

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

21 U.S.C. §§ 846, 841(a)(1), (b)(1)(A)(vi) – Conspiracy to Dist. & Possess w/ Intent to Dist. Fentanyl ☐ Petty
 21 U.S.C. § 841(a)(1), (b)(1)(A)(vi) – Possess w/ Intent to Dist. Fentanyl ☐ Minor
 21 U.S.C. § 841(a)(1), (b)(1)(B)(i), (ii) – Possess w/ Intent to Dist. Heroin and Cocaine ☐ Misdemeanor
☒ Felony

PENALTY: See attachment (Counts 1-4)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

DEA TFO Michael Cunnie

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE } SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under 3:22-mj-71495

Name and Office of Person Furnishing Information on this form Stephanie M. Hinds

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Nicholas M. Parker

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

Gustavo Erazo

DISTRICT COURT NUMBER

CR 23 0002

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) ☒ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Comments:

Bail Amount: No bail

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

U.S. v. Melvin DIAZ, Gustavo ERAZO, and Luis ERAZO-CENTENO

Maximum Penalties

Counts 1-2 (DIAZ and ERAZO):

- Imprisonment: **Min. 10 years – Max. life** (21 U.S.C. §§ 841(b)(1)(A), 846)
- Fine: **\$10 million** (21 U.S.C. §§ 841(b)(1)(A), 846)
- Supervised Release: **Min. 5 years – Max. life** (21 U.S.C. §§ 841(b)(1)(A), 846)
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture** 21 U.S.C. § 853(a)
- **Deportation**
- **Denial of Federal Benefits**

Counts 3-4 (DIAZ and ERAZO):

- Imprisonment: **Min. 5 years – Max. 40 years** (21 U.S.C. § 841(b)(1)(B))
- Fine: **\$5 million** (21 U.S.C. § 841(b)(1)(B))
- Supervised Release: **Min. 4 years – Max. life** (21 U.S.C. § 841(b)(1)(B))
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture** 21 U.S.C. § 853(a)
- **Deportation**
- **Denial of Federal Benefits**

Count 5 (ERAZO-CENTENO):

- Imprisonment: **20 years** (21 U.S.C. § 841(b)(1)(C))
- Fine: **\$1 million** (21 U.S.C. § 841(b)(1)(C))
- Supervised Release: **Min. 3 years – Max. life** (21 U.S.C. § 841(b)(1)(C))
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture** 21 U.S.C. § 853(a)
- **Deportation**
- **Denial of Federal Benefits**

Count 6 (ERAZO-CENTENO):

- Imprisonment: **10 years** (18 U.S.C. § 3; 21 U.S.C. § 841(b)(1)(C))
- Fine: **\$500,000** (18 U.S.C. § 3; 21 U.S.C. § 841(b)(1)(C))
- Supervised Release: **3 years** (18 U.S.C. § 3583(b)(2))
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture**

Count 7 (DIAZ):

- Imprisonment: **Min. 5 years – Max. 40 years** (21 U.S.C. § 841(b)(1)(B))
- Fine: **\$5 million** (21 U.S.C. § 841(b)(1)(B))
- Supervised Release: **Min. 4 years – Max. life** (21 U.S.C. § 841(b)(1)(B))
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture** 21 U.S.C. § 853(a)
- **Deportation**
- **Denial of Federal Benefits**

Count 8 (DIAZ):

- Imprisonment: **20 years** (21 U.S.C. § 841(b)(1)(C))
- Fine: **\$1 million** (21 U.S.C. § 841(b)(1)(C))
- Supervised Release: **Min. 3 years – Max. life** (21 U.S.C. § 841(b)(1)(C))
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture** 21 U.S.C. § 853(a)
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- **Denial of Federal Benefits**

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

21 U.S.C. § 841(a)(1), (b)(1)(C) – Possession with Intent to Distribute Fentanyl

18 U.S.C. § 3 – Accessory After the Fact

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attachment (Counts 5-6)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

DEA TFO Michael Cunnie

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW
DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE
CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person
Furnishing Information on this form Stephanie M. Hinds

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.
Attorney (if assigned) Nicholas M. Parker

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

➤ Luis Almocar Erazo-Centeno

DISTRICT COURT NUMBER

CR 23 0002

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges ➤

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☒ On another conviction

☒ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Santa Rita Jail

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST ➤

Month/Day/Year
Nov. 16, 2022

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY ➤

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

U.S. v. Melvin DIAZ, Gustavo ERAZO, and Luis ERAZO-CENTENO

Maximum Penalties

Counts 1-2 (DIAZ and ERAZO):

- Imprisonment: **Min. 10 years – Max. life** (21 U.S.C. §§ 841(b)(1)(A), 846)
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- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture** 21 U.S.C. § 853(a)
- **Deportation**
- **Denial of Federal Benefits**

Counts 3-4 (DIAZ and ERAZO):

- Imprisonment: **Min. 5 years – Max. 40 years** (21 U.S.C. § 841(b)(1)(B))
- Fine: **\$5 million** (21 U.S.C. § 841(b)(1)(B))
- Supervised Release: **Min. 4 years – Max. life** (21 U.S.C. § 841(b)(1)(B))
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture** 21 U.S.C. § 853(a)
- **Deportation**
- **Denial of Federal Benefits**

Count 5 (ERAZO-CENTENO):

- Imprisonment: **20 years** (21 U.S.C. § 841(b)(1)(C))
- Fine: **\$1 million** (21 U.S.C. § 841(b)(1)(C))
- Supervised Release: **Min. 3 years – Max. life** (21 U.S.C. § 841(b)(1)(C))
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture** 21 U.S.C. § 853(a)
- **Deportation**
- **Denial of Federal Benefits**

Count 6 (ERAZO-CENTENO):

- Imprisonment: **10 years** (18 U.S.C. § 3; 21 U.S.C. § 841(b)(1)(C))
- Fine: **\$500,000** (18 U.S.C. § 3; 21 U.S.C. § 841(b)(1)(C))
- Supervised Release: **3 years** (18 U.S.C. § 3583(b)(2))
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture**

Count 7 (DIAZ):

- Imprisonment: **Min. 5 years – Max. 40 years** (21 U.S.C. § 841(b)(1)(B))
- Fine: **\$5 million** (21 U.S.C. § 841(b)(1)(B))
- Supervised Release: **Min. 4 years – Max. life** (21 U.S.C. § 841(b)(1)(B))
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture** 21 U.S.C. § 853(a)
- **Deportation**
- **Denial of Federal Benefits**

Count 8 (DIAZ):

- Imprisonment: **20 years** (21 U.S.C. § 841(b)(1)(C))
- Fine: **\$1 million** (21 U.S.C. § 841(b)(1)(C))
- Supervised Release: **Min. 3 years – Max. life** (21 U.S.C. § 841(b)(1)(C))
- Special Assessment: **\$100** (18 U.S.C. § 3013(a)(2)(A))
- **Forfeiture** 21 U.S.C. § 853(a)
- **Deportation**
- **Denial of Federal Benefits**

United States District Court **FILED**

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

JAN 05 2023

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

V.

MELVIN ALEXIS DIAZ ARTEAGA;
GUSTAVO ERAZO; and
LUIS ALMICAR ERAZO-CENTENO

CR 23 0002
SC

DEFENDANT(S).

INDICTMENT

21 U.S.C. §§ 846, 841(a)(1), (b)(1)(A)(vi) – Conspiracy to Dist. & P.W.I.D. Fentanyl
21 U.S.C. § 841(a)(1), (b)(1)(A)(vi) – P.W.I.D. Fentanyl
21 U.S.C. § 841(a)(1), (b)(1)(B)(i), (ii) – P.W.I.D. Heroin and Cocaine
21 U.S.C. § 841(a)(1), (b)(1)(C) – P.W.I.D. Fentanyl
18 U.S.C. § 3 – Accessory After the Fact
21 U.S.C. § 841(a)(1), (b)(1)(B)(viii) – P.W.I.D. and Dist. of Methamphetamine
21 U.S.C. § 841(a)(1), (b)(1)(C) – P.W.I.D. and Dist. of Methamphetamine
21 U.S.C. § 853 – Forfeiture Allegation

/s/
A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 5th day of

January, 2023

Will
Clerk

Bail, \$ Warrant (1)

Kandis Westmore

Hon. Kandis A. Westmore, U.S. Magistrate Judge

STEPHANIE M. HINDS (CABN 154284)
United States Attorney

FILED

JAN 05 2023 *js*

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
OAKLAND OFFICE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MELVIN ALEXIS DIAZ ARTEAGA;
GUSTAVO ERAZO; and
LUIS ALMICAR ERAZO-CENTENO,

Defendants.

CASE NO.

VIOLATIONS:

21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A)(vi) –
Conspiracy to Distribute and Possess with Intent to
Distribute 400 Grams and More of a Mixture and
Substance Containing Fentanyl;
21 U.S.C. § 841(a)(1) and (b)(1)(A)(vi) – Possession
with Intent to Distribute 400 Grams and More of a
Mixture and Substance Containing Fentanyl;
21 U.S.C. § 841(a)(1) and (b)(1)(B)(i) – Possession
with Intent to Distribute 100 Grams and More of a
Mixture and Substance Containing Heroin;
21 U.S.C. § 841(a)(1) and (b)(1)(B)(ii) – Possession
with Intent to Distribute 500 Grams and More of a
Mixture and Substance Containing Cocaine;
21 U.S.C. § 841(a)(1) and (b)(1)(C) – Possession with
Intent to Distribute a Mixture and Substance
Containing Fentanyl;
18 U.S.C. § 3 – Accessory After the Fact;
21 U.S.C. § 841(a)(1) and (b)(1)(B)(viii) – Possession
with Intent to Distribute and Distribution of 50 Grams
and More of a Mixture and Substance Containing
Methamphetamine;
21 U.S.C. § 841(a)(1) and (b)(1)(C) – Possession with
Intent to Distribute and Distribution of a Mixture and
Substance Containing Methamphetamine;
21 U.S.C. § 853 – Forfeiture Allegation

INDICTMENT

1 INDICTMENT

2 The Grand Jury charges:

3 COUNT ONE: (21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A)(vi) – Conspiracy to Distribute and
4 Possess with Intent to Distribute 400 Grams and More of a Mixture and Substance
Containing Fentanyl)

5 Beginning on a date unknown but no later than on or about September 16, 2022, and continuing
6 to on or about November 16, 2022, in the Northern District of California, the defendants,

7 MELVIN ALEXIS DIAZ ARTEAGA; and
8 GUSTAVO ERAZO,

9 and others known and unknown to the Grand Jury, did knowingly and intentionally conspire to distribute
10 and possess with intent to distribute 400 grams and more of a mixture and substance containing a
11 detectable amount of N-phenyl-N- [1- (2-phenylethyl) -4-piperidinyl] propanamide, also known as
12 fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846,
13 841(a)(1), and (b)(1)(A)(vi).

14 COUNT TWO: (21 U.S.C. § 841(a)(1) and (b)(1)(A)(vi) – Possession with Intent to Distribute
15 400 Grams and More of a Mixture and Substance Containing Fentanyl)

16 On or about November 16, 2022, in the Northern District of California, the defendants,

17 MELVIN ALEXIS DIAZ ARTEAGA; and
18 GUSTAVO ERAZO,

19 did knowingly and intentionally possess with intent to distribute 400 grams and more of a mixture and
20 substance containing a detectable amount of N-phenyl-N- [1- (2-phenylethyl) -4-piperidinyl]
21 propanamide, also known as fentanyl, a Schedule II controlled substance, in violation of Title 21, United
22 States Code, Section 841(a)(1) and (b)(1)(A)(vi).

23 COUNT THREE: (21 U.S.C. § 841(a)(1) and (b)(1)(B)(i) – Possession with Intent to Distribute 100
24 Grams and More of a Mixture and Substance Containing Heroin)

25 On or about November 16, 2022, in the Northern District of California, the defendants,

26 MELVIN ALEXIS DIAZ ARTEAGA; and
27 GUSTAVO ERAZO,

28 did knowingly and intentionally possess with intent to distribute 100 grams and more of a mixture and
substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of
Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(i).

1 COUNT FOUR: (21 U.S.C. § 841(a)(1) and (b)(1)(B)(ii) – Possession with Intent to Distribute 500
2 Grams and More of a Mixture and Substance Containing Cocaine)

3 On or about November 16, 2022, in the Northern District of California, the defendants,

4 MELVIN ALEXIS DIAZ ARTEAGA; and
5 GUSTAVO ERAZO,

6 did knowingly and intentionally possess with intent to distribute 500 grams and more of a mixture and
7 substance containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts
8 of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Section
9 841(a)(1) and (b)(1)(B)(ii).

10 COUNT FIVE: (21 U.S.C. § 841(a)(1) and (b)(1)(C) – Possession with Intent to Distribute a
11 Mixture and Substance Containing Fentanyl)

12 On or about November 16, 2022, in the Northern District of California, the defendant,

13 LUIS ALMICAR ERAZO-CENTENO,

14 did knowingly and intentionally possess with intent to distribute a mixture and substance containing a
15 detectable amount of N-phenyl-N- [1- (2-phenylethyl) -4-piperidinyl] propanamide, also known as
16 fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Section
17 841(a)(1) and (b)(1)(C).

18 COUNT SIX: (18 U.S.C. § 3 – Accessory After the Fact)

19 On or about November 16, 2022, in the Northern District of California, the defendant,

20 LUIS ALMICAR ERAZO-CENTENO,

21 knowing that an offense against the United States had been committed, to wit, possession with intent to
22 distribute a mixture and substance containing a detectable amount of N-phenyl-N- [1- (2-phenylethyl)
23 -4-piperidinyl] propanamide, also known as fentanyl, a Schedule II controlled substance, in violation of
24 Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), did receive, relieve, comfort, and assist
25 the offenders, MELVIN ALEXIS DIAZ ARTEAGA and GUSTAVO ERAZO, in order to hinder and
26 prevent the offenders' apprehension, trial, and punishment.

27 All in violation of Title 18, United States Code, Section 3.

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1 COUNT SEVEN: (21 U.S.C. § 841(a)(1) and (b)(1)(B)(viii) – Possession with Intent to Distribute
2 and Distribution of 50 Grams and More of a Mixture and Substance Containing
3 Methamphetamine)

4 On or about September 20, 2022, in the Northern District of California, the defendant,
5 MELVIN ALEXIS DIAZ ARTEAGA,
6 did knowingly and intentionally distribute and possess with intent to distribute 50 grams and more of a
7 mixture and substance containing a detectable amount of methamphetamine, its salts, isomers, and salts
8 of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Section
9 841(a)(1) and (b)(1)(B)(viii).

10 COUNT EIGHT: (21 U.S.C. § 841(a)(1) and (b)(1)(C) – Possession with Intent to Distribute and
11 Distribution of a Mixture and Substance Containing Methamphetamine)

12 On or about October 5, 2022, in the Northern District of California, the defendant,
13 MELVIN ALEXIS DIAZ ARTEAGA,
14 did knowingly and intentionally distribute and possess with intent to distribute a mixture and substance
15 containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a
16 Schedule II controlled substance, in violation of Title 21, United States Code, Section
17 841(a)(1) and (b)(1)(C).

18 FORFEITURE ALLEGATION: (21 U.S.C. § 853(a))

19 The allegations contained above are hereby re-alleged and incorporated by reference for the
20 purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853(a).

21 1. Upon conviction of any of the offenses alleged in Counts 1–8, above, the defendants,

22 MELVIN ALEXIS DIAZ ARTEAGA;
23 GUSTAVO ERAZO; and
24 LUIS ALMICAR ERAZO-CENTENO,

25 shall forfeit to the United States all right, title, and interest in any property constituting and derived from
26 any proceeds defendants obtained, directly or indirectly, as a result of such violations, and any property
27 used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such
28 violations, including but not limited to a forfeiture money judgment and \$50,086 of U.S. Currency.

2. Upon conviction of any of the offenses alleged in Counts One, Two, Three, Four, Seven,
and Eight, above, the defendants,

MELVIN ALEXIS DIAZ ARTEAGA; and
GUSTAVO ERAZO,

shall forfeit to the United States all right, title, and interest in any property constituting and derived from any proceeds defendants obtained, directly or indirectly, as a result of such violations, and any property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations, including but not limited to a forfeiture money judgment and the following:

- a. Two semi-automatic firearms recovered by law enforcement from 2130 Ashby Avenue, Apartment #8, Berkeley, California, 94705, on November 16, 2022; and
- b. Ammunition recovered by law enforcement from 2130 Ashby Avenue, Apartment #8, Berkeley, California, 94705, on November 16, 2022.

3. If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

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1 All pursuant to Title 21, United States Code, Section 853, and Federal Rule of Criminal
2 Procedure 32.2.

3
4 DATED: January 5, 2023

A TRUE BILL.

5 */s/*

6 */s/ Foreperson*

7

FOREPERSON

Oakland, California

8 STEPHANIE M. HINDS
9 United States Attorney

10
11 */s/ Nicholas Parker*

NICHOLAS M. PARKER

12 Assistant United States Attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

JAN 05 2023

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
OAKLAND OFFICE

CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. Diaz; Erazo; and Erazo-Centeno

CASE NUMBER:

CR

CR 23 0002

SC

Is This Case Under Seal?

Yes

No ☒

Total Number of Defendants:

1

2-7 ☒

8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes

No ☒

Venue (Per Crim. L.R. 18-1):

SF

☒

OAK

SJ

Is this a potential high-cost case?

Yes

No ☒

Is any defendant charged with a death-penalty-eligible crime?

Yes

No ☒

Is this a RICO Act gang case?

Yes

No ☒

Assigned AUSA

(Lead Attorney): Nicholas M. Parker

Date Submitted: Jan. 5, 2023

Comments:

Prior proceedings for defendant DIAZ were recorded under Case No. 3:22-mj-71287 MAG

Prior proceedings for defendant ERAZO were recorded under Case No. 3:22-mj-71495 MAG